

November 8, 2023

The Honorable Joseph V. Cuffari
Office of Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Dear Inspector General Cuffari,

I write to request an immediate investigation into whistleblower allegations that the Department of Homeland Security (DHS) has shut down or delayed investigations into child exploitation and other crimes in order to transfer hundreds of special agents to process illegal immigrants at the southern border. No fewer than four separate DHS whistleblowers have contacted my office alleging a severe mismanagement of staffing and resources at the direction of senior officials within DHS, allegations which may demonstrate a violation of law. These allegations merit an immediate investigation.

On October 31, 2023, I questioned Secretary of Homeland Security Alejandro Mayorkas before the Homeland Security and Governmental Affairs Committee (HSGAC) regarding whistleblower allegations that he removed 600 Homeland Security Investigations (HSI) special agents from felony investigations to facilitate immigration processing functions at the southern border. According to the whistleblower, agents “are being told to shut down investigations to hand out sandwiches and escort migrants to the shower.” This led to child exploitation suspects and fentanyl dealers evading indictment, including child molesters. When asked whether special agents had been pulled away from cases and reassigned to the border, Secretary Mayorkas testified, “Combatting the fight against fentanyl, yes.”

Following the hearing, three more whistleblowers from across the country contacted my office, corroborating these claims. One alleged that Secretary Mayorkas was “absolutely lying” and that agents were not, in fact, being reassigned to investigate fentanyl cases. The whistleblower corroborated the claim that there have been at least 600 agents at a given time reassigned to the border. A third whistleblower claims that he was also reassigned to the border to “babysit” illegal immigrants; his duties included holding doors for private contractors who prepared the sandwiches for illegal immigrants, who were “fed better than my kids.” A fourth whistleblower confirmed that special agents had been pulled off child exploitation investigations. According to some of the whistleblowers, much of their time was spent on “stand-by,” as offices at the border were not expecting their arrival.

Most concerningly, all the whistleblowers allege that important criminal investigations stalled and suspects were not arrested or indicted as a result of these reassignments. Agents were pulled from investigations ranging from child exploitation to drug trafficking to counterterrorism. One whistleblower was pulled from child exploitation cases “that haunt your soul when you aren’t

available and able to ensure the children involved aren't being abused." Another whistleblower alleges that hands-on child molesters were not arrested and further provides specific examples of child exploitation indictments that were delayed or adversely affected due to these reassignments.

These whistleblowers have also provided documentation supporting their claims. For example, documents provided to my office show that HSI supervisors acknowledged the problem of HSI special agents sitting around without being assigned tasks. Additionally, the whistleblowers provided my office with a Memorandum of Agreement (MOA) between U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to detail HSI special agents to the southern border. The MOA confirms the whistleblowers' allegations that their duties would include "[p]hysically observing [migrants] in holding areas," sitting with migrants at the hospital, and escorting migrants from place to place. Notably, the MOA was signed by the Acting Commissioner of CBP and a senior ICE official in April 2023, though the reassignments allegedly have been occurring for over a year. My office will transmit relevant documents to inform your investigation in a manner that protects the anonymity of whistleblowers.

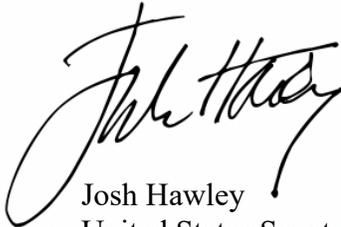
The Department's decision to relegate its highly-trained criminal investigators to processing and feeding illegal immigrants, rather than investigating child exploitation cases, is bad policy. But it also may be illegal and in violation of existing regulations. For example, whistleblowers allege that these practices violate 13 U.S.C. § 1301(a) of the Anti-Deficiency Act, Office of Management and Budget (OMB) Circular A-76, and internal ICE travel policies. Under the Inspector General Act of 1978, as amended, you have the authority to conduct investigations into the programs and operations of DHS. I therefore write to request an immediate investigation into these practices.

The American public deserves transparency and accountability, especially when it concerns the safety and security of our nation and the integrity of our law enforcement agencies. Please include in your investigation answers to the following questions:

1. Since January 2021, how many HSI special agents have been reassigned to the southern border to perform migrant processing functions?
 - a. How many of these special agents were required to pause or abandon investigations into criminal activity due to their reassignments?
 - b. How many of the investigations delayed or abandoned because of reassignments involved child exploitation, fentanyl trafficking, or counterterrorism?
 - c. How is DHS measuring the effectiveness of these reassignments in reducing the number of migrants at the southern border?
2. How many complaints identifying potential waste, fraud, and abuse have DHS officials received as a result of HSI reassignments?
 - a. Have any whistleblowers been subject to retaliatory action as a result of their complaints?

3. Are HSI special agents able to defer their reassignments in order to continue critical investigations?
4. Did the Department violate any provisions of law or internal policies by reassigning special agents to the border, including but not limited to violations of the Anti-Deficiency Act, OMB Circular A-76, or ICE travel policies?
5. Secretary Mayorkas testified to Congress that special agents had been reassigned to the border to combat the fight against fentanyl. Was this statement true?

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is written in a cursive style with a large, sweeping initial "J".

Josh Hawley
United States Senator